



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

June 25, 2015


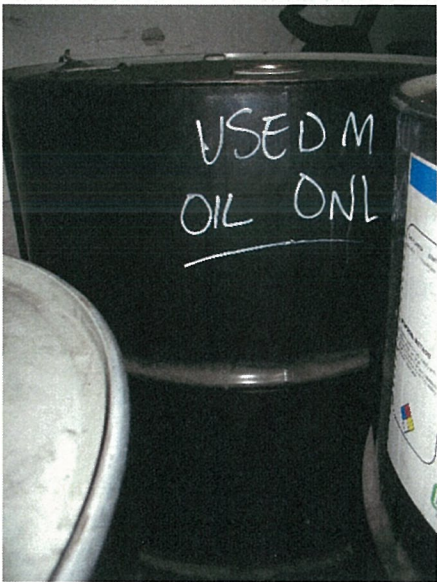
Certified Mail No: 7015 0640 0001 5561 3608



Colleen Kraft
West Coast Regional Safety Manager
Mistras Group, Inc.
700 Marine Drive
Bellingham, WA 98226



Dear Ms. Kraft:

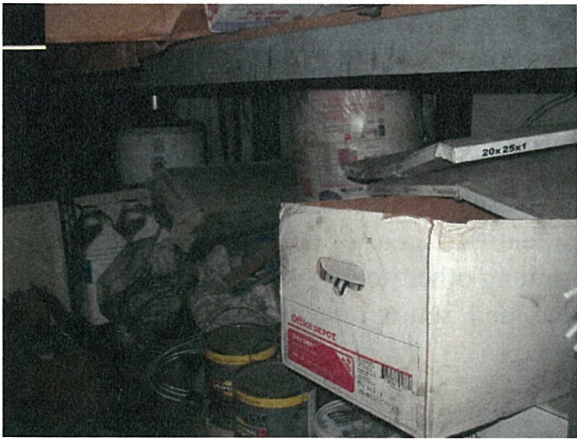
On October 29, 2014, representatives of the U.S. Environmental Protection Agency (EPA) conducted an unannounced compliance evaluation inspection (CEI) of Mistras Group, Services Division (Mistras) with EPA ID No: CAD027897164. The purpose of the inspection was to determine Mistras' compliance with applicable federal environmental statutes and regulations, and in particular, the Resource Conservation and Recovery Act (RCRA), as amended, the regulations provided EPA with in the Code of Federal Regulations (CFR), Chapter 40, Parts 261-265, 268, 273, and 279, and the California Code Regulations (CCR), Title 22, Division 4.5 and the California Health and Safety Code, Division 20.

The inspectors conducted a physical inspection of the facility and reviewed records related to Mistras' hazardous waste management practices. This inspection letter summarizes the potential violations identified by the inspectors and the corrective actions needed in order for the facility to return to compliance with federal regulations. Violations of Subtitle C of RCRA such as those listed in this letter may be punishable by civil and criminal actions, including penalties of up to \$37,500 per day for each violation, as provided EPA by Section 3008 of RCRA.

NO.	OBSERVATION AND STATUTE OR REGULATION	PHOTOGRAPH	REQUIRED FACILITY RESPONSE
1	<p>Opened, inadequately labeled spent acetone (D001; F003) satellite accumulation container. Container label missing accumulation start date, composition and physical state of the waste, properties of the waste (e.g., flammable) and/or name and address of person producing the waste. 22 CCR §§ 66262.34(e)(1)(D); 66265.173(a) [40 CFR §§ 262.34(c)(1)(i); 265.173(a)]; 22 CCR §§ 66262.34(e)(1)(E); 66262.34(f) [40 CFR § 262.34(c)(1)(ii)]</p>	 <p>IMG_3250.JPG (see also photograph IMG_3251.JPG)</p>	<p>On November 19, 2015, Mistras provided EPA with documentation that the open container and labeling non-compliance issues have been corrected.</p>
2	<p>Used oil container not labeled as required by 22 CCR §§ 66279.21(a) 66279.21(b); 66262.34(e)(1)(D); 66262.34(f). The container is missing the information described in Observation 1 above.</p>	 <p>IMG_3252.JPG</p>	<p>Mistras has not addressed this area of non-compliance.</p>

NO.	OBSERVATION AND STATUTE OR REGULATION	PHOTOGRAPH	REQUIRED FACILITY RESPONSE
3	Several open, unlabeled 55-gallons metal containers of unknown wastes observed along fence located rear of the property parallel to Salt Lake Avenue. 22 CCR § 66262.11 [40 CFR § 262.11]	 <p>IMG_3260.JPG</p>	On November 19, 2015, Mistras provided EPA with documentation that the waste determination non-compliance issue had been corrected.
4	Storing incompatible D002 (acids and bases) wastes together. 22 CCR §§ 66262.34(a)(1)(A); 66265.172 [40 CFR §§ 262.34(a)(1)(i); 265.172]	 <p>IMG_3263.JPG</p>	On November 19, 2015, Mistras provided EPA with documentation that the incompatible waste storage non-compliance issue had been corrected.

NO.	OBSERVATION AND STATUTE OR REGULATION	PHOTOGRAPH	REQUIRED FACILITY RESPONSE
5	<p>Inadequate aisle space provided for D002 hazardous waste accumulation containers (totes). 22 CCR §§ 66262.34(a)(4); 66265.35 [40 CFR §§ 262.34(a)(4); 265.35(a)]</p>	 <p>IMG_3262.JPG</p>	<p>On November 19, 2015, Mistras provided EPA with documentation that the aisle space non-compliance issue had been corrected.</p>
6	<p>Spent universal waste-lamps observed in the Maintenance Department were not being stored in labeled, closed containers or in a manner to prevent breakage. 22 CCR §§ 66273.33(b); 66273.33(b)(1); 66273.34(b) [40 CFR §§ 273.14(e); 273.15(d); 273.15(d)(1)]</p>	 <p>IMG_3267.JPG (see also photographs IMG_3268.JPG, IMG_3269.JPG and IMG_3270.JPG)</p>	<p>On November 19, 2015, Mistras provided EPA with documentation that the spent universal waste-lamps management issues have been corrected.</p>

NO.	OBSERVATION AND STATUTE OR REGULATION	PHOTOGRAPH	REQUIRED FACILITY RESPONSE
7	Discarded/abandoned D001 and non-RCRA paint related waste materials were being stored in the Maintenance Department. Mistras personnel failed to identify the abandoned/discarded materials as hazardous waste. 22 CCR § 66262.11 [40 CFR § 262.11]	 <p>IMG_3271.JPG (see also photographs IMG_3272.JPG, IMG_3273.JPG, IMG_3274.JPG and IMG_3275.JPG)</p>	On November 19, 2015, Mistras provided EPA with documentation that the discarded/abandoned paint related materials non-compliance issue had been corrected.

Notes:

Observations 1 and 2: During a July 14, 2011 CEI, an inspector with the Los Angeles County Fire Department, Health Hazardous Materials Division identified failure to properly label hazardous waste accumulation containers as a violation. EPA, during its inspection, observed that the labels to the spent and base (D002) waste totes had faded to the point where the label markings were not legible. Failure to properly mark and label hazardous waste satellite and/or accumulation containers is a repeat violation.

Observation 3: The copy of non-hazardous waste manifest for the dirt and concrete provided to EPA was not legible. EPA requests a copy of a legible copy of the manifest be provided to EPA.

Area of Concern

Mistras personnel stated during the CEI that spent acetone (D001; F003) waste was allowed to evaporate after use. Evaporation is defined as treatment of a hazardous waste. *see 22 CCR § 66260.10 [40 CFR § 260.10]* Generators can treat hazardous waste in containers provided that the container(s) complies with 22 CCR § 66265 Article 9 [40 CFR 265 Subpart I].¹ One of compliance requirements is that the container must be kept closed during treatment (i.e., evaporation is not an acceptable hazardous waste container treatment method).

Confidential Business Information

EPA regulations governing confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. EPA routinely provides copies of investigation reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe any of the information contained in this letter or submitted to EPA in response this letter contains confidential business information, please identify any such information in your

¹ *see 51 Federal Register 10168 and RCRA Online documents 13553 and 13782.*

response and assert a confidentiality claim in accordance with 40 CFR § 2.203(b). If the EPA determines that the information over which you assert a claim meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of EPA's receipt of Mistras' response to this letter as a waiver of that claim and information may be made available to the public by the EPA without further notice. *see 40 CFR § 2.203(a)(2)*

Your response to this RCRA Compliance Evaluation Letter is due within 30 calendar days of your receipt of this letter and must include a letter signed by a duly authorized official of Mistras certifying correction of any remaining identified areas of noncompliance. Documentation of your return to compliance may consist of, among other items, photographs, manifests, and revised records. Please send the responses by certified mail, return receipt requested, addressed to:

John Schofield
Mail Code: ENF 2-2
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
Email: schofield.john@epa.gov

In lieu of submitting the requested response by certified mail, Mistras may submit the response as portable document file(s) via electronic mail.

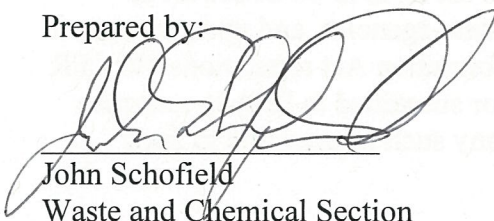
Once we receive the required documentation, EPA anticipates no further action at this time. If Mistras determines that no confidential business information with regard to these violations is contained in this letter, a copy will be forwarded to California's Department of Toxic Substance Control (DTSC) and Los Angeles County Fire Department for their review. If you have any questions related to this letter, please contact Richard Francis of my staff at (415) 972-3386 or schofield.john@epa.gov.

Sincerely,



Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division

Prepared by:



John Schofield
Waste and Chemical Section

Enclosure: Photograph Contact Sheet

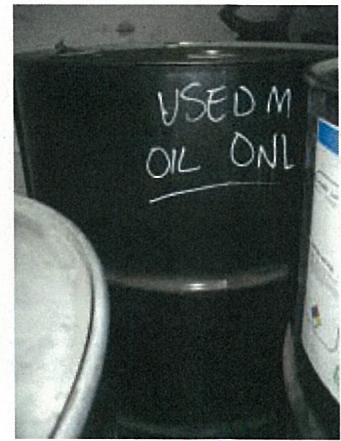
cc: Kristine Green, DTSC
Karen Coddling, Health Haz-Mat Division, Los Angeles County Fire Department
William (Bruce) Byrd, Mistras



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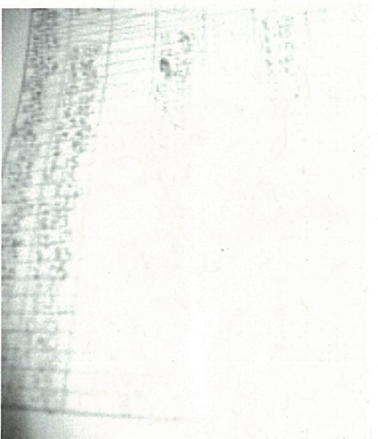
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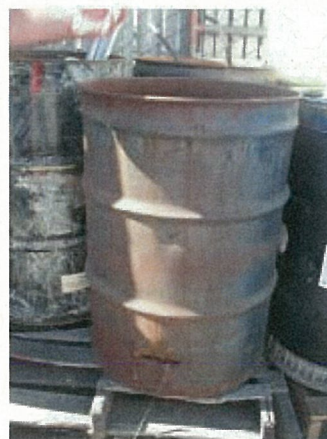
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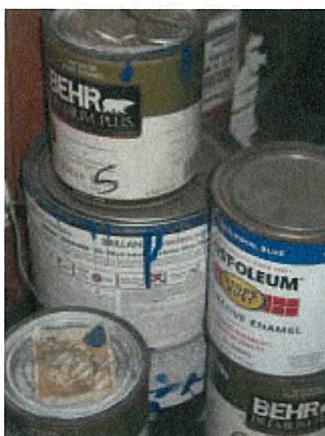
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